

CHRISTOPHER CHIOU
Acting United States Attorney
District of Nevada
Nevada Bar No. 14853

DANIEL P. TALBERT, SBN OH 0084088
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (510) 970-4860
Facsimile: (415) 744-0134
E-Mail: Daniel.Talbert@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHERRY LYNN SMITH-GRUBE,
Plaintiff,
v.
ANDREW SAUL,
Commissioner of Social Security,
Defendant.

Case No.: 2:21-cv-01574-BNW

**UNOPPOSED MOTION FOR
EXTENSION OF TIME
(FIRST REQUEST)**

Defendant, the Commissioner of Social Security (the “Commissioner”), through the undersigned counsel, hereby requests an extension of time to file his Cross-Motion to Affirm and Response to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).
2. Defendant’s response to Plaintiff’s opening brief is currently due February 16, 2022. Defendant has not previously requested an extension of time for this deadline.

1 3. The Region IX Office currently handles all district and circuit court litigation involving
2 the Social Security program arising in Arizona, California, Hawai'i, Nevada, and Guam.

3 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling
4 civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the
5 attorneys who handle program litigation cases have additional responsibilities, such as litigating in
6 other practice areas described below, acting as Jurisdictional leads, reviewing the work product of
7 junior attorneys, conducting trainings, and participating in national workgroups. In addition, because
8 of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of
9 cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing
10 caseloads.

11 5. In addition to this "program" litigation, the Region IX Office provides a full range of
12 legal services as counsel for the Social Security Administration, in a region that covers four states
13 (including the most populous state in the nation) and three territories. These other workloads include
14 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on
15 wide-ranging topics, including Regional office client requests for advice on program issues, employee
16 conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act
17 and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX
18 Office has had to focus its efforts on processing only other workloads that are subject to statutory,
19 regulatory, and court deadlines.

20 6. The undersigned attorney has nine briefs due in district court cases over the next thirty
21 days, as well as an answering brief in a case before the United States Court of Appeals for the Ninth
22 Circuit. The undersigned attorney is also responsible for reviewing the work of three new attorneys in
23 the Region IX Office, and is responsible for reviewing an answering brief (drafted by another attorney
24 in the Region IX Office) in a case before the Ninth Circuit.

25 7. Due to the volume of the overall workload within the Region IX Office, neither the
26

undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete briefing by the current due date of February 16, 2022. Therefore, Defendant seeks an extension of 30 days, until March 18, 2022, to respond to Plaintiff's motion.

8. This request is made in good faith and is not intended to delay the proceedings in this matter.

9. On February 2, 2022, counsel for Defendant conferred with Plaintiff's counsel, who has no opposition to this motion.

WHEREFORE, Defendant requests until March 18, 2022, to respond to Plaintiff's Motion for Reversal and/or Remand.

Dated: February 3, 2022

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney

IT IS SO ORDERED:



HON. BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

DATED: 2/7/2022

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME (*FIRST REQUEST*)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Mark Barrett
Mark@mydisabilityattorney.com

Attorney for Plaintiff

Dated: February 3, 2022

/s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney